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Petition
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:) Docket No.: PARAL-1

Alexander L. Cheng) Group Art Unit: 2661

Serial No.: 09/523,185) Examiner: Bob A. Phunkulh

Filed: March 10, 2000) Date: April 25, 2005

Title: **METHOD AND APARATUS FOR PARALLEL OPERATION IN A
MULTIPLE ACCESS NETWORK**

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO
RESPONSE TO AN OFFICE ACTION UNDER 37 CFR §1.181**

Director
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Alexander L. Cheng, hereby petition to withdraw a holding of abandonment for allegedly failing to respond to an Office Action mailed on June 13, 2003.

1. I, Alexander L. Cheng, am the applicant in the above-identified application, and I am prosecuting this application on my own behalf.
2. I filed the above-identified application on March 10, 2000. The United States Patent and Trademark Office ("USPTO") issued an Office Action in this application on June 13, 2003. A copy of the Office Action is attached and labeled "Exhibit A".

3. I timely replied to the Office Action dated June 13, 2003, by filing an Amendment, via facsimile transmission, on September 15, 2003, to the USPTO. A copy of the Amendment is attached and labeled "Exhibit B".

4. Appearing on the first page of the Amendment at Exhibit B is a certificate of telefaxing indicating that the Amendment was faxed to the USPTO on September 15, 2003. Although a fax transmittal receipt was not received from the USPTO, I had no reason to believe that the USPTO did not properly receive the Amendment.

5. I did not receive a Notice of Abandonment indicating my failure to timely file a proper reply to the Office Action. Instead, in March 2005, I was curious as to the status of this application because in the Office Action of June 13, 2003, the Examiner indicated that claims 1-10 contained allowable subject matter and if the claims were rewritten or amended to overcome the 35 U.S.C. 112 rejection the claims would issue. I believed that the Amendment filed on September 15, 2003, addressed the Examiner's concerns, and I was expecting to receive a Notice of Allowance. I was unable to access the private USPTO website for inventors in order to determine the status of the application and to find out if it had been published because my old PC which contained the software to establish a secure connection had been damaged and replaced.

6. After I did not receive any communication from the USPTO for some time, I contacted Examiner Phunkulh in late March 2005, to find out the status of this application. Examiner Phunkulh was not available, so I left him a message requesting status information.

7. Shortly thereafter, Examiner Phunkulh called me and left a message informing me that the above-identified application was abandoned for failure to file a

timely response to the Office Action. Examiner Phunkulh also informed me that I should consider filing a petition to revive the abandoned application.

8. In view of the above facts, as supported by the attached Exhibit B, I submit that there was no abandonment because I believed I had filed a timely and proper response to the July 13, 2003, Office Action by telefaxing an Amendment to the USPTO on September 15, 2003. At the time of faxing this Amendment, I had no reason to believe that there were any problems with the facsimile transmission.

9. In view of the above, I hereby petition for the withdrawal of the holding of abandonment.

10. Based on these facts, I believe that no Petition Fee is required for this filing.

11. I also request that any correspondence concerning this application be forwarded to the following address:

Alexander L. Cheng
12 Hidden Glen Road
Scarsdale, New York 10583-1229

I am also filing a separate Change of Address notice in this application.

Respectfully submitted,


Alexander L. Cheng
Applicant
Telephone (914) 591-5939

Alexander L. Cheng.
12 Hidden Glen Road
Scarsdale, New York 10583-1229

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Director
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

on 4/25/05
Date of Deposit

Alexander L. Cheng
Alexander L. Cheng

Alexander L. Cheng
Signature

4/25/05
Date